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December 3, 2018

VIA ELECTRONIC MAIL

Mr. Barnes Johnson
Director
Office of Resource Conservation
and Recovery
USEPA Headquarters
1200 Pennsylvania Avenue, N. W.
Mail Code: 5301P
Washington, DC 20460
Johnson.Barnes@EPA.gov

Mr. Richard Huggins
Acting Chief
Energy Recovery and Waste Disposal Branch
Office of Resource Conservation and
Recovery
USEPA Headquarters
1200 Pennsylvania Avenue, N. W.
Mail Code: 5304P
Washington, DC 20460
Huggins.Richard@EPA.gov

RE: Coal Combustion Residuals Liner Equivalency Demonstration

Dear Messrs. Johnson and Huggins:

I write on behalf of Great River Energy ("GRE") to provide EPA with an alternative liner system demonstration prepared by Golder Associates Inc. regarding two unlined coal combustion residual ("CCR") surface impoundments at our Coal Creek Station ("CCS"). The report demonstrates that, while the liner systems for the two impoundments do not meet the technical criteria for CCR liner systems set forth in 40 C.F.R. 257.70, the actual performance of these composite liner systems equal or *exceed* the performance of the liner criteria in the CCR rule in protecting human health and the environment.

Notwithstanding the superior performance of these liner systems, the impoundments at CCS are considered "unlined" under the current CCR rule and, per the recent D.C. Circuit decision in *USWAG v. EPA*, will be subject to forced closure. This is the case even though our impoundments are *not* adversely impacting groundwater and the composite liner systems in place perform as well, if not better, than the criteria for liner systems prescribed in the rule.

We are providing this information to EPA as record evidence to support the development of a new liner equivalency demonstration in the CCR rule to enable owners/operators of liner systems that differ from, but perform as effectively as, the criteria set forth in the CCR rule to certify that their CCR impoundments also qualify as "lined" impoundments. GRE is a member of the Utility Solid Waste Activities Group ("USWAG") and we understand that Jim Roewer, Executive Director of USWAG, will be following up with you regarding this matter and, in particular, the importance of establishing a new liner equivalency demonstration in the CCR rule.

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In the meantime, please contact Shane Stockdill (701-442-7010) with questions regarding the attached report.

Sincerely,

GREAT RIVER ENERGY

A handwritten signature in black ink, appearing to read "Mary Jo Roth". The signature is fluid and cursive, with the first name "Mary" and last name "Roth" clearly distinguishable.

Mary Jo Roth
Manager, Environmental Services

Attachment

c: Steven Cook, EPA (Cook.Steven@EPA.gov)
Betsy Devlin, EPA (Devlin.Betsy@EPA.gov)
Peter Wright, EPA (Wright.Peter@EPA.gov)